

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
OXFORD DIVISION

WILLIAM JOSEPH MITCHELL

PLAINTIFF

V.

CIVIL ACTION NO. 3:10-cv-179-NBB-RP

WADE FAULKNER, In His Individual
Capacity

DEFENDANT

MEMORANDUM OPINION

Presently before the court is Defendant's Motion to Dismiss filed pursuant to Federal Rule of Civil Procedure 41(b). Plaintiff's counsel was allowed to withdraw from this case on February 17, 2021, and the court allowed Plaintiff until March 17, 2021, to either retain new counsel or advise the court of his intention to proceed *pro se*. To date, Plaintiff has done neither, and the court finds that this case should be dismissed.

Rule 41(b) specifically provides, "If the plaintiff fails to prosecute or to comply with these rules or a court order, a defendant may move to dismiss the action or any claim against it." Courts also possess inherent authority to dismiss cases for failure to follow court orders "by the control necessarily vested in courts to manage their own affairs so as to achieve the orderly disposition of cases." *Link v. Wabash Railroad*, 370 U.S. 626, 630-31 (1962); *see also*, *McCullough v. Lynaugh*, 835 F.2d 1126, 1127 (5th Cir. 1988).

Accordingly, the court finds that Defendant's motion is well taken and should be granted. A separate order in accordance with this opinion will issue this day.

This 26th day of May, 2021.

/s/ Neal Biggers

NEAL B. BIGGERS, JR.

UNITED STATES DISTRICT JUDGE